Supreme Court, U.S.
FILED
99 385 JUL 19 1999
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

MR. JAMES G. KING PRO SE

MY CLIENT(S),

Petitioner(s)

v.

MY OPPONENT(S)

THE WASHINGTON ADVENTIST HOSPITAL et. al

On Petition For Writ Of Certiorari
To The (court whose judgment you seek to review)

THE UNITED STATES COURT OF APPEALS, FED. CIR..

PETITION FOR WRIT OF CERTIORARI

MY NAME
Counsel of Record
MY FIRM
MY STREET ADDRESS
CITY, STATE, ZIP CODE
MY TELEPHONE NUMBER

3 RP

QUESTIONS PRESENTED

I.

Can the United States Government in good faith to an American taxpayer assume the role of prosecutor to aid and abet special interest?

II.

Is there conflict between the decision (a certified Constitutional Question) of which review is sought and a decision of another appellate court on the same issue?

III.

Does the failure of an international legal body to accord title 42, U.S. Code 1983 (c)impede plaintiff's legal status herein?

IV.

Is the statement at law and in fact as implied infra Title 42, U.S. Code 1983© the over riding issue at 99-5067 -U.S. Ct. App., Fed. Cir..?

V.

Is each party to cause infra CV 99-1592 (CBA) EDNY bound by the requirements of rule 26(f)., F.R.C.P.?

VI.

Does the Maryland Code of Equity at 10-631 et. al. bind each citizen to it's legal intent?

VII.

In determining the right of remand to state courts_ does a federal hold privy the right of decree (declination of Cause) as well as jurisdiction or in the legal alternative only the jurisdiction laches involved?

VIII.

If violations involving one's "Miranda Rights" under the U.S. constitutional amendment fourteen are defacto and without legal or moral justification _does not in the fact of law lead directly to the 'poison fruits theory'?

LIST OF PARTIES

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the in the court whose judgment is the subject of this petition is as follows:

THE WESTFIELD ENTERPRISE, INC., Los Angeles, California.

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was May 14, 1999 (per PUBLIC ORDER, AND IS UNPUBLISHED AS OF THIS DATE).

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including July 20, 1999 (date) on extending to Sept. 20, 1999 (date) in Application No. A- as of this date undisclosed.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

[x] An extension of time to file the petition for a writ of certiorari was granted to and included said date is open (date) on _____(date) in Application No. A-03/# 200974 Circuit Court, Montgomery County, Maryland.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1357(a).

Note: The present cause has accord infra G.56 U. Sct 7731, (Denial of Due process-Equal Protection Clause/Removal of personal Entitlements causes.

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463. 56 S.Ct. 343,347, 80 L.Ed
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G56-7731 U.S. Sct. (waiver)
The doctrine of demurrage (an extension of the doctrine of
laches).

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts:**

The opinion of the United States of courts of appeals appears at Appendix A to the petition and is

[ ] reported at CV-99-5067 U.S. Ct App.; or, FED. CIR. PER PUBLIC ORDER NOT CITABLE.
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at CV-99-1592 EDNY ; or, THE CIVIL RIGHTS SECTION OF THIS COURT
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished. NOTE: THIS CAUSE INVOLVES A CONSTITUIONAL QUESTION.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix ___ to the petition is

[ ] reported at 03/200974 ; or, Circuit Court, Montgomery County, Maryland
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished. NOTE: THIS CAUSE INVOLVES A CONSTITUIONAL QUESTION.

STATEMENT OF THE CASE

A concise statement of the grounds on which jurisdiction is invoked. Rule 14.1 (d)

When public not special interest requires, the federal court may relinquish it's jurisdiction and subsequently it's jurisdictional laches in favor of the state courts, provided the private rights of the individual does not suffer.

re. CV_99-5067 U.S. Ct., APP., Fed. Cir.
in. CV_99-1592 U.S. DIST. Ct., EDNY

The doctrines of laches, estoppel, and recusal were flagrantly violated to the utter dismay, shock, and legal disadvantage of plaintiff and his, giving rise to gross financial, moral and social crisis and ultimate disbelief.

STATEMENT OF THE CASE
BACKGROUND

The writ of certiorari is not a matter of right but of judicial discretion. (Herein is a conflict between the decision of which review is sought and a decision of another appellate court on the same issue.). Note the court at the Netherlands on purview accords 18 U.S.C.A.2421 as amended in 1986 and Maryland Code section 10-631 et.al.-with a questionable reference to Title 42, U.S. Code 1983 (a),(c) with footnote to 1983 (c) -and proposes the issue (why is this question raised in a national codification at law or in the alternative at fact of law?).

In the state court of Maryland at (03)-020097 Plaintiffs raise the issue (is plaintiff and his singled out to be defaulted by the whims and edicts of special interest?).
As to the doctrine of laches and the doctrine of recusal and estoppel as these doctrines relate to cause in controversy Jud. Code 28,28 U.S.C.A. 71 issues "where plaintiff alleges joint and concurrent acts of negligence by defendants, plaintiff has right to sue defendants as joint tort-feasors, and if he has good and just cause of action against them, as such he is entitled to present his case on such joint cause of action as is alleged in complaint, without removal to federal court. Cause of action is subject matter of the controversy, and, for purpose of the suit, whatever plaintiff declares it to be in his pleadings. (Judicial recusal follows when a master attempts to pervert alter or misalign cause of action during discovery or at scheduling".).

Herein the public order of Hon. Rader, U.S. Ct. App. Fed. Cir. at 99-5067 affirms "in his barely comprehensible complaint the Plaintiff appears to be suing a hospital for its confinement of the plaintiff's daughter, however, this Court's jurisdiction only extends to claims against the United States, see 28 U.S.C. 1491 (a) 1. To the extent that the complaint seeks damages against the U.S. this Court doesn't have Jurisdiction over claims of violations of an individual's civil or Constitutional rights...nor does the Court's jurisdiction extend to tort claims against the Government official.....

(1) Plaintiffs on the contrary and in fact of law clearly set out it's right to address grievances against two privately owned corporate bodies who did in fact and in law violate Plaintiffs human, civil and legal rights of entitlements. And due to recusal based on the late entry upon the court records of some make shift CERTIFICATE OF INTEREST (after the fact of recusal before the Court at the EDNY), ie they absented themselves from a Court ordered pre-conference discovery session of date may 24, 1999. Said default placed Plaintiffs and their cause of action in extreme jeopardy.

The Courts have further altered, restricted and misaligned plaintiffs attempts to prosecute their cause of action by arbitrarily assigning three United States attorneys from the 'commercial litigation unit' to prosecute in behalf of the defendants (appellees) who are private corporate bodies-much to the surprise and dismay and subsequent gross disadvantage of Plaintiffs. (CF the equal protection clause of the United States Constitutional Amendment Fourteen.).

Note: The federal court EDNY elicited cause of action and held it as a certified constitutional cause and served notice on each of the defendants chief corporate officer as required by law. (How can one federal circuit hold a constitutional question and in the negative alternative another federal circuit admit cause but in the same instant in time and space deny cause and jurisdictional laches as these refer to the removal of causes?

STATEMENT OF THE CASE
NOTE; TITLE 42, U.S. CODE 1983 (c) objectively attempts to address and equate legal inequities as, held in our judicial and social codes. Hopefully and prayfully the EQUAL PROTECTION CLAUSE OF "DUE PROCESS PREVAILS HEREIN.
ADDRESSING THE ISSUE RECOMMENDATIONS OF JUDGE CADEN'S EXTENSIONS PER THE ORDER DATED APRIL 5,1999. RULINGS: DELTA WILL MOVE TO DISMISS THE PRO SE PIS COMPLAINT AND FORTHWITH ON THE RECOMMENDATION OF MAGISTRATE JUDGE CADEN ON THE GROUNDS OF;
(1) FAILURE TO STATE A CAUSE AND OR ACTION.
(2) LACK OF INPERSONAM JURISDICTION.),

HEREIN PLAINTIFF HOLDS-THAT THE RIGHT TO CHANGE DIVERSION IS CREATED BY STATUTE AND NOT BY DECREE, AND IS LIMITED ONLY BY THE STATUTORY CONDITIONS OF NON PREJUDICE. (CF. THE DOC`IRINE OF JURISDICTIONAL LACHES.). IF DEFENDANTS CHANGE AT ANY TMM IN THE PROSECUTION OF CAUSE INTERFERES WITH ANY PLAINTIFFS RIGHTS IT VIOLATES THE DECREE AND INJUNCTION AND ON CONTLAINT WILL BE REMEDIED BY THE STATE COURT. (CF. Montana et.al..purchasing co. V Boston Consolidated et.al.. Copper and Silver Min. So. 20 Fed. Supp. 792..

In determining right of remand to a State Court The Federal Court may not pass on sufficiency of allegations charging defendants with joint liability as on demurrer, since it is bound and limited solely to the question of Jurisdiction. JUD CODE § 28,28 § U.S.C.A.§ 71 NOTE: CAUSE OF ACTION IS THE SUBJECT MATTER OF THE CONTROVERSY AND FOR THE PURPOSE OF THE SUIT, WHATEVER PLAINTIFF DECLARES IT TO BE IN HIS PLEADINGS. JUD CODE § 28,28 § U.S.C.A. § 7 1.

"WHERE PLAINTIFF ALLEGES JOINT AND CONCURRENT ACTS OF NEGLIGENCE BY DEFENDANTS PLAINTIFF HAS RIGHT TO SUE DEFENDANTS AS JOINT TORT-FEASORS, AND, IF HE HAS GOOD 'CAUSE OF AC`TION' AGAINST THEM, AS SUCH HE IS ENTITLED TO PRESENT HIS CASE ON SUCH JOINT CAUSE OF ACTION AS IS ALLEGED IN THE COMPLAINT EN EQUITY JUD CODE § 28,28 U.S.C.A. §71.

ON STOICHE

AS THE CONSTITUTION OF THE UNITED STATES IS THE SUPREME LAW OF THE LAND ANYTHING IN THE CONSTITUTION OR STATUTES OF THE STATES TO THE CONTRARY NOTWITHSTANDING A STATUTE OF A STATE EVEN WHEN AVOWED? ENACTED IN THE EXERCISE OF ITS POLICE POWER MUST YIELD TO THAT LAW. FOR NO RIGHT GRANTED OR SECURED BY THE Constitution of the United States can be impaired or destroyed by a State.
enactment.

Cf. Connolly. v. Union Sewer Pipe Co. 184 US 540.22 S Ct.431.

THE POLICE POWER MUST NOT BE EXERCISED ARBITRARILY; it must be exercised so as not to deny to any person the equal protection of the laws.

Cf. YICK WO V. HOPKINS 118 US 356, 6 S Ct. 1064..

THE POLICE POWER MUST NOT BE EXERCISED ARBITRARILY IT MUST BE EXERCISED so as not to deny to any person the equal protection of the laws. Police regulations cannot be in the Interest of a privileged class and must be reasonably necessary and at the same time not oppressive.

Cf. LAWTON V. STEELE 152 US133, 14 S Ct. 499.

EVERY EXERCISE OF POLICE POWER MUST BE REASONABLE, AND EXTEND ONLY TO TO SUCH LAWS AS ARE EXACTED IN GOOD FAITH FOR THE PROMOTION OF THE PUBLIC GOOD, AND NOT FOR THE ANNOYANCE OR OPPRESSION OF A PARTICULAR CLASS.

PLESSY V. FERGUSON, 163 US 537,16 S Ct. 1138.

SUPRA:MACHE

THE AMBULIENT (one) Dianne K. Franklin was accosted on a Montgomery County Street near the entrance to THE MONTGOMERY MALL PLACED IN CUSTODY, SEARCHED BY SOME NON-IDENTIFIED law Officer, who apparently was not conversant enough routine police procedure to know that she had tax-payer entitlements (THE MIRANDA RIGHTS, FOLLOWED BY THE BILL OF PARTICULARS FOR A PERSON HELD IN TO SIGN. HANDCUFFED AND BOUND PER STRAPS TRANSPORTED TO TWO HOSPITALS.) Here she was held incommunicado over a period well over fourty-eight hours.

ON THE MARYLAND LEGAL CODE OF EQUITY:TRESPASS
VENUE
BRANCHING/INTERSTATE BANKING // 602 (5)

ACCESSIBILITY OF BRANCH TO THE PUBLIC
THE OFFICE OF THE COMPTROLLER HAS APPLIED A THREE FACTOR TEST TO DETERMINE WHEN A BRANCH OFFICE EXISTS. THE FIRST IS THE REQUIREMENT THAT THE FACILITY MUST PERFORM AT LEAST ONE OF THE McFADDEN CORE BANKING FUNCTIONS OF RECEIVING DEPOSITS, PAYING CHECKS, OR LENDING MONEY. THE SECOND IS THE REQUIREMENT THAT THE FACILITY MUST BE ESTABLISHED (ie owned or rented) BY THE BANK. THE THIRD REQUIREMENT IS STATED AS FOLLOWS: "THE FACILITY MUST BE ACCESSIBLE TO THE PUBLIC, THAT IS CONVENIENCE OF THE OFFICE OR FACILITY TO THE PUBLIC MUST GIVE THE BANK A COMPETITIVE ADVANTAGE IN OBTAINING CUSTOMERS. ALL THREE FACTORS MUST BE PRESENT FOR THE FACILITY TO BE A BRANCH.

Cf. Interpretive letter no 634, supra note:89at 3 (citing citing First Natl. Bank V. Dickinson, 396 US122 (1969) Smith, 534 F 2d 921

Supra : Mache (COUPLE)

THE AMBULIENT AND HERS WERE NOTIFIED BY Montgomery Mall Security Guards Her presence was not wanted on Mall premises and further if she ever returned she would be served with trespass papers during the year 1998.

CRIMINAL LAW 1166,11 (1)
ALLOWING DEFENDANT WHO WAS FORCED TO TAKE ANTIPSYCHOTIC DRUG MELLARIL OVER HIS OBJECTION DURING THE COURSE OF TRIAL TO PRESENT TESTIMONY (expert) about the effect of the drug on his demeanor did not care the possibility that that this substance altered his testimony, and comprehensions at the trial

Cf. RIGGINS V. NEVA12a No-,90-8466

THE AMBULIENT (one) Mrs. Dianne K. Franklin was forced to take these and tried in some Court where her parents Attorney's presence was suspect.

This firm has been retained by the Montgomery Mall Limited Partnership to represent and protect their interests in an action brought by James King under the case number styled above.

In reviewing the papers submitted by Mr. King, it is this firm's intention and request to move under various grounds against these papers under the Federal Rules of Civil Procedure.

Under Rule 12(h)(1) for forum non-convenient. Under Rule 12(h)(1), the venue of this action is inappropriate and improper. Under Rule 12(e), defendant wishes to move for a more definitive statement. Under Rule 12(h)(1), defendant wishes to move for lack of personal jurisdiction over the answering defendant. Under Rule 17 in that the plaintiffs James King and Frances king lack standing to sue. Finally under USCA Sections 1404 and 1406.

Initially, the plaintiff claims in the pleadings that his daughter was shopping at the Montgomery Mall in Maryland when this incident took place. Plaintiff has named Westfield Enterprises, Inc., as a named defendant. Westfield Enterprises, Inc., is a non-entity. The papers were served in Los Angeles, California via mail at Westfield Corporation. Annexed hereto as Exhibit "A" to this letter is a property ownership list for the Montgomery Mall. The proper owner of the location where the plaintiff claims that the incident took place is Montgomery Mall Limited Partnership, a Maryland limited partnership. A general partner in that business is Montgomery Mall of Maryland, L.L.C., a Delaware limited liability company. A managing member of the general partner is Westfield America Investor, L.P., a Delaware limited partnership. Finally the general partner of that company is Westfield America G.P., Inc., a Delaware Corporation.

Westfield Enterprises is an unknown entity to Montgomery Mall Limited Partnership.

The forum that plaintiff has selected is non-convenient to the Montgomery Mall in that all of the witnesses and employees of the Montgomery Mall upon information and belief are domiciled in Maryland and not New York. Furthermore, there are no ties to New York State with the Montgomery Mall Limited Partnership. Montgomery Mall does not transact business in New York State and maintains no offices in New York State. In addition to the forum being non-convenient, it is also an improper venue based on the lack of long arm jurisdiction that this court would have

over Montgomery Mall, a Maryland limited partnership. Based on those basic reasons, defendant Montgomery Mall will seek to move this court to transfer venue of this matter from the United States District Court for the Eastern District of New York to the United States District Court in Maryland, Southern Division.

With regard to the more definitive pleading motion, the pleadings in and of themselves are vague and ambiguous in that the defendant cannot reasonably frame a responsive pleading.

The pleadings received by defendant herein have no beginning paragraph, are not numbered in any manner -and are completely incomprehensible as to the allegations against Montgomery Mall Limited Partnership in this matter. A more definitive statement of the defects will be pointed out in the motion to the court.

With regard to the motion for lack of jurisdiction, the complaint was mailed to Westfield Corporation in Los Angeles, California. No copy of the pleadings were ever served on the defendant Montgomery Mall a limited partnership in Maryland. Based on plaintiffs failure to properly serve the pleadings on the defendant herein, it is submitted that plaintiff has failed to obtain proper jurisdiction over the defendant herein.

With regard to the lack of standing, there is no indication in the pleadings of a guardian being appointed for an infant or otherwise incompetent person. The named plaintiffs as parents do not have standing to bring this suit,

I have been advised that a status conference is scheduled for June 11, 1999. If your Honor wishes the motion to be made prior to that time, the undersigned will endeavor to meet those time constraints. There has been appearance made in the action to date because of the vagueness and ambiguity in the plaintiffs complaint. The undersign respectfully requests an additional thirty days to serve a responsive pleading upon the plaintiff if the court does not grant the requested motions herein.

Proceedings include all events.
99cv1592 King et al v. Washington Adventist, et al

James G. King; Frances E. King, Mrs.; Dianne K. King
plaintiff

re. case #020097
inter alia Montgomery
County Circuit Court

Washington Adventist Hospital; Westfield Enterprises Inc.
defendant

Memo of Law in Opposition to Deft's Pending Motion
To Dismiss (99-CV-1592)

note; trespass a mistake involving the use of force it the defense of property can and does give to civil liability at law and in the fact of law.

Defendants allege Plaintiff fails to state a cause of action_.
(Herein Plaintiff restates his cause of action)

A. Plaintiff alludes to the petition infra (03) as addressed to the MARYLAND SPECIAL COURT OF APPEALS IN FEBRUARY 1999. (non su juris and states this legal step can be asserted by a legal representative such as a parent, Guardian, trustee or executor.).

B. Defendants did in the fact of law knowingly and willfully violate plaintiffs rights at section 10-631 of the FREE STATE OF MARYLAND'S CODE.

C. Defendants did knowingly violate/circumvent 18 U.S.C.A. 2421 (as amended in 1986).

D. Defendants knowingly and willfully violated TITLE 42, U.S. CODE 1983 (a) (c), et al..

E. Defendants did in the fact of law violate RULE 26 (f) and delay jurisdictional rights of PLAINTIFFS TO PLAINTIFFS GROSS DISADVANTAGE.

ON LACK OF IN PERSONIAM

A. Defendants are not entities but in the alternative are Corporate bodies spread over numerous states and controlled by CHIEF CORPORATE OFFICERS.

B. Further defendants are not legally bound to and by one state and may be sued infra both state and federal courts.

Docket as of June 10, 1999 2:33 pm page 2

Note: Plaintiffs habeas corpus petition does in fact of law challenge the validity of (one) Mrs. Dianne K. Franklin's ILLEGAL INCARCERATION.

(Based on certified constitutional question at both the state and federal level in the court systems.)

Of Transcript_____ _____ _____

REASONS RELIED ON FOR THE ALLOWANCE OF THE WRIT OF CERTIORARI (Rules 10 and 14.1 (h)

I

PETITIONER IS AN AMERICAN CITIZEN AND SUBSEQUENTLY AN AMERICAN TAX PAYER. HOWEVER, AN INTERNATIONAL LEGAL BODY FAILS TO ACCORD AND DOES QUESTION THE LEGAL INTENT AND STATUS OF TITLE 42 U.S. CODE 1983 (a) (c). AS A CONSEQUENCE THE QUESTION ARISES (Is this code based upon Social Mores, Physical Characteristics or in the negative alternative differing City, State, and Federal Taxation Standards?

II

PETITIONER STANDS TO OBJECT AND ADDRESS THE ISSUE OF 'THE WHIMS AND ARROGANCE OF SPECIAL INTEREST AS IT HINDERS AND SUPPRESSES THE EFFORTS OF THE AMERICAN TAX PAYER AS HE SEEKS JUSTICE IN THE AMERICAN JUDICIAL SYSTEM. THESE WHIMS AND WORSE WERE ALLOWED, AIDED AND ABETTED infra 99-CV-1592 EDNY and 99-5067 U.S. Ct., App., FED. CIR., when in 99-CV-1592 EDNY Defts. were allowed to absent themselves at a COURT HEARING REQUIRED BY RULE 26(f)F.R.C.P

AND IN THE NEGATIVE ALTERNATIVE THESE SAME DEFENDANTS WERE GIVEN LEGAL FROM THE UNITED STATES ATTORNEY'S OFFICE WHERE PETITIONER AND HIS STRUGGLED WITH A SERIES OF CONSTITUTIONAL CERTIFIED QUESTIONS. WHICH TERMINATED IN THE JUDGE OR MASTER'S RULING OR RECOMMENDATION TO REMOVE THE PLEADINGS TO SOME STATE COURT AND AGAINST AN INDIVIDUAL BY DECREE AS WELL AS JURISDICTIONAL INCONVENIENCE To THE DEFENDANTS (the lack of a Cause of Action and in personam.). WHICH IS STRICTLY AGAINST THE UNITED STATES CODE.

III

THE WESTFIELD ENTERPRISES FINALLY ENTERED UPON THE COURT RECORDS SOME VERY INCOMPREHENSIBLE CERTIFICATE OF INTEREST, BUT IN THE ALTERNATIVE THE WASHINGTON ADVENTIST HOSPITAL HAS NOT TO THIS DATE ENTERED UPON THE COURT RECORD ANY FORM OF CERTIFICATE BUT DID IN THE FACT OF DEMURRAGE ACCORD A HOSPITAL BILL IN EXCESS OF TEN THOUSAND DOLLARS TO THE ATTENTION OF PETITIONER AND HIS 'INTERIM GUARDIAN' (one) MRS. DIANNE K. FRANKLIN. (TAXATION WITHOUT ANY CHANCE OF LEGAL REPRESENTATION.).

IV

PETITIONER'S 'INTERIM GUARDIAN'S MIRANDA RIGHTS WERE TAKEN WHEN AT THE SCENE SHE WAS ACCOSTED, HELD IN CUSTODY AND SEARCHED AND NOT TO THIS DATE GIVEN A BILL OF PARTICULARS FOR SAID QUESTIONING. (illegally held at some points fourty eight hours without an opportunity to call an attorney or her parents). Cf. THE MEMO TO ATTORNEY ROGER GALVIN.

V

PETITIONER AND HIS SPOUSE"S PERSONAL ENTITLEMENTS (name, addresses, phone numbers and serial/file numbers) were altered/deleted FROM POTENTIAL COURT RECORDS THAT WERE LATER PRESETED AT SOME HIGHLY SECRET COURT HEARING REGARDING PETITIONER'S INTERIM GUARDIAN'S INVOLUNTARY CONFINEMENT AT THE WASHINGTON ADVENTIST HOSPITAL IN VIOLATION OF THE EQUAL

PROTECTION CLAUSE OF THE DUE PROCESS ENTITLEMENT THE UNITED STATES CONSTITUTIONAL AMENDMENT Fourteen et. al.. THE PRIVACY ACT OF THE FIRST UNITED STATES AMENDMENT. AND THE FREE STATE OF MARYLAND'S CODE OF EQUITY AT 10-631, et. al..

MEMO: Addressed to Atty. Galvin, etc.

Discovery: interrogatory per briefed affidavit.

ONGOING CAUSE (BACKGROUND)

During the initial hearing based on 'questionable Involuntary Admission the father of Ambulient (one) Mrs Dianne K. Frauklin-a State of Maryland The Father (one) Mr. James G. King of New York State did in the fact of law leave with the Administrative staff of The Washington Adventist Hospital of Takoma Park, Maryland the following;

(1.) his Administrative file number-386462
(2.) Home telephone number (718) 322-8191
(3.) Business telephone number (718) 4957787 to assure instant contact as prognosis continued.

NOTE: Litigant's Wife (one) Mrs. Frances E. King had prior to this instance in time and space - had noted for the record (hospital) her telephone (202) 399-0371, address 5321 Blaine Street N.E., Washington, D. C. 20019 for the above reasons.

TO WIT:

DURING a paid telephone call made by ambulient's father (one) James G, King who, had stopped at a Rest Area in the Free State of Maryland at approximately 3:20 AM on 2/13/99 (date) to - make routine inquiry of patient's progress and assure that he was enroute.

The Charge Nurse on duty at Washington Adventist stated that according to Hospital and State regulations she (Charge Nurse) could not give out information prior a check of the patient's records to insure that the father was of record with a telephone number and entitlements of record.

Upon a check of the records of ambulient (one) Mrs. Dianne K. Franklin the charge nurse returned to the telephone to state for the record that the father had no record of entitlements and further the the ambulient's

mother's entitlements (including the telephone number had been stricken from the original records;.On interrogation by ambulient's father she (charge Nurse) stated for record that the only telephone of record vas (301) 294-0460.

End of transcription

STANCE (denial of due process and first Amendment rights under American Jurisdiction is cause defacto at LAW.). Cause is addressed per Title 42. U.S code 1983

REASONS

i. Father (one) James G. King is sole provider: ambulient -at law (cf. IR§-records.).
ii. Mother of ambulient (one) Ms. Dianne K. Franklin delivered ambulient into the World and supported her to this date (Tennessee birth cert.)
iii. Cause at law addressed per Title 42, U.S. code 1983.

TRANSCRIPT: EQUITABLE ESTOPPEL

THE DOCTRINE BY WHICH A PERSON MAY BE PRECLUDED. HIS ACT OR DEED (CONDUCT), or silence when it is his duty to speak:act, from asserting objectivity and fairness, from asserting a right to address which he otherwise would have had.

cf. MITCHELL V. McINTEE 15 Or App.85,514 P.2d 1357,1359

Note: Estoppel by Record bars a second action between the same parties on an issue necessarily raised and decided__ the first action. Preclusion is to deny the truth of a matter set forth in a record, whether the record is Judicial or legislative. Also to deny the fact legally adjudicated (free of incrimination and obstruction of Justice)by a Court of competent Jurisdiction. The Doctrine prevents a party not only from litigating again what was actually litigated in the former case, but litigating what might have been litigated therein.

THE ACT:THE AMBULIENT (one) Mrs. Dianne K. Franklin's illegal and forceable Involuntary Confinement.

TO WIT:

NOW HERE COMES PLAINTIFFS WHIMS U.S. Code 42,1983 (a), (c) with the emoluments of the Free State Of Maryland's LEGAL CODE OF EQUITY TO INVOKE ESTOPPEL PER RECORD: IN PAIS AND FURTHER DEMAND THAT INEQUITIES THAT FILL THIS

ILLEGAL INCARCERATION BE sua sponte SUPRESSED AND et seq expunged from an otherwise unblemished personal history of PROFESSIONAL EXCELLENCE.

REASONS

1. Said incarceration was the willful act--- of premeditated .prejudice tarnished with malice of forethought.
2. Illegal tests were performed while ambulient was incarcerated, and further medication administered that hindered her prognosis from a prior cardiac ailment.
3. The day before her forced and illegal confinement ambulient had been the victim of malicious assault to the extent of battery , (cf The legal files of Dr. Gary London.)
4. Her parents were not notified of this confinement for well over a period of 48 hours.(Their personal entitlements including their telephone numbers were stricken and or removed from potential Court Records.).

SIGNING FOR PLAINTIFFS

Mr. James G. King file# 386462 (G56).
105-32 131 St
Richmond Hills,N.Y. 11419

Transcript Record

§ 10-616. Certificates.

(a) Form -
(1) A certificate for involuntary admission of an individual under Part Ell of this subtitle shall:
(i) Be based on the personal examination of the physician or psychologist who signs the certificate; and
(ii) Be in the form that the Secretary adopts, by rule or regulation.
(2) The rules and regulations shall require the form to include:
(i) A diagnosis of a mental disorder of the individual;
(ii) An opinion that the individual needs inpatient care or treatment; and
(iii) An opinion that admission to a facility or Veterans' Administration hospital is needed for the protection of the individual or another.
(b) Time limitations, A certificate may not be used for admission if the examination on which the certificate is made was done:
(1) More than I week before the certificate is signed; or
(2) More than 30 days before the facility or the Veterans' Administration hospital receives the application for admission.

(c) Limitations on practitioners, A certificate may not be used for an admission if the physician or psychologist is who signed the certificate:

(1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the individual whose status is being certified; or

(2) Is related, by blood or marriage, to the individual or to the applicant.

[An. Code 1957, art. 59, § 12; 1982, ch. 21, § 2.]

§ 10-617. Admission limitations.

(a) In general.- A facility or Veterans' Administration hospital may not admit the individual under Part III Of this subtitle unless:

(1) The individual has a mental disorder,

(2) The individual needs inpatient care or treatment;

(3) The individual presents a danger to the life or safety of the individual or of others;

(a) Petitioner- Any petitioner who submits or completes a petition under Part IV of this subtitle shall have the immunity from liability described under § 5-624 (b) of the Courts and Judicial Proceedings Article

(b) Peace officer.- Any peace officer who acts as a custodian of an emergency evaluee shall have the immunity from liability described under § 5-624 (c) of the Courts and Judicial Proceedings Article.

(c) Emergency facility.- An emergency facility that acts in compliance with the provisions of Part IV of this subtitle shall have the immunity from liability described under § 5-624 (d) of the Courts and Judicial Proceedings Article.

(d) Agent or employee of emergency facility.- An agent or employee of an emergency facility who acts in compliance with the provisions of Part IV of this subtitle shall have the immunity from liability described under § 5-624 (e) of the Courts and Judicial Proceedings Article.

[1982, ch. 459; 1990, ch. 546, § 3; 1997, ch. 14, § 20.]

§ 10-630.

Reserved.

PART V. HEARINGS ON ADMISSION

§ 10-631. Notice of admission status and hearing rights.

(a) *Preparation of form*.- The Administration shall prepare and provide

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each facility with standard forms that provide, in clear and simple words, at least the following information:

(1) Notice of the admission of the individual;

(2) The right of the individual to consult with a lawyer that the individual chooses;

(3) The availability of the services of the legal aid bureaus, lawyer referral services, and other agencies that exist for the referral of individuals who need legal counsel;

(4) The right of the individual to call or write a lawyer or a referral agency or to have someone do so on behalf of the individual; and

(5) In substance:

(i) Those provisions of this subtitle under which the individual is admitted;

(ii) The provisions of this section; and

(iii) The provisions of Subtitle 7 of this title.

(b) *Distribution.*-

(1) Within 12 hours after initial confinement of an individual to any facility or a Veterans' Administration hospital, the form provided for in this section shall be read and given to the individual.

(2) If the individual does not understand the notice required by this section and its legal effect, the notice also shall be given to:

(i) The parent, guardian, or next of kin of the individual;

(ii) The applicant for an involuntary admission of the individual; and

(iii) Any other individual who has a significant interest in the status of the individual.

(3) In any event, if possible, notice of the admission shall be given to the parent, guardian, or next of kin of the individual. Notice of the admission of a minor shall be given as promptly as possible.

3. AFTER ARRIVAL SHE WAS GIVEN SEVERAL STRANGE AND LEGALLY QUESTIONABLE TESTS ALTHOUGH AMBULIENT HAD SUFFERED PRIOR CARDIAC AILMENTS AND AT THAT POINT IN TIME AND SPACE IN THE PROCESS OF BEING TREATED BY HER PERSONAL PHYSICIAN.

4. HER PARENTS WHEN FINALLY NOTIFIED WERE ALLOWED ENTITLEMENTS WHICH WERE LATER REMOVED FROM THE HOSPITAL RECORDS THAT WERE USED IN SOME COURT HEARING HELD AT THE CENTER OF CONFINEMENT (THE WASHINGTON ADVENTIST HOSPITAL.) THIS ACT WAS IN LEGAL CONTEMPT OF ALL AMERICAN COURT PROCEDURE. THE JUDGE EITHER KNONWINGLY OR OTHERWISE "'AS

RECUSED. 9

5. AMBULIENT'S PARENTSNVERE INFORMED IN THE STERNEST TERMS THAT SHE THE WOULD BE ACCORDED A COURT APPOINTED LAWYER-AT THIS POINT IN TIME AND SPACE THE FATHER OF THE AMBULIENT (ONE) MRS DIANNE K. FRANKLIN LEFT THE HEARING ROOM AND CONTACTED BOTH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MONTGOMERY CIRCUIT COURT WHERE HE HAD PRIVY PROSE.. 10
6. THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT HAS RECUSED BASED UPON THELACK OF SUBJECT MATTER JURISDICTION. THE QUESTION NOW ARISES WHERE DOES THIS COURT SIT? 104

105
106

END OF TRANSCRIPT 107

The American Civil Liberities Union's Purview is requested.

I am the United Federation of Teacher's District Representative for Community School District 23, in Brooklyn, New York. I am able to certify, after consulting our union records, that Mr. James G. King, (Board of Education file number 386462,) a teacher at I.S.275K in District 23, is a member in good standing of the Union Federation of Teachers.

When we spoke on the telephone, you indicated that you needed an official of the U.F.T. to appear in Federal District Court in order to confirm that you are a U.F.T. member in good standing. I checked with our attorneys and was told that it is not normally necessary for a union official to personally present such information. I was told that a letter to that effect would suffice, so I am enclosing a notarized letter to that effect.

On demurrers: the Privacy Act.

An objection made by one party to his opponent's pleadings alleging that he ought not to answer it for some defect in law in the pleading.
CF. R.L. Davies and Co. V. Blomberg, 185 N.C. 496,117 S.E. 497.

It imparts that the objecting party will not proceed, but will wait the judgement of the court whether he is bound so to do.

Cf. Kramer V. Barth, 139 N.Y.S. 341, 344, 79 misc. 80

Note: The Supreme Court declares that, if an independent suit is by the state permitted subsequent to another suit it may be maintained in the federal court.

Conclusion

Where liability of defendants, s set forth in pleadings is joint/and or both joint and several…same is not separable 'separable controversy' (either in fact or at law.).

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Mr. James G. King

Date:_____

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties in the court whose judgment is the subject of this petition is as follows:

page iv

PROPERTY OWNERSHIP LIST

Montgomery Mall

MONTGOMERY MALL LIMITED PARTNERSHIP, a Maryland limited partnership

By: Montgomery Mall of Maryland LLC, a Delaware limited liability company, its general partner

By: Westfield America Investor L.P., a Delaware limited partnership, its managing member

By: Westfield America G.P., Inc., a Delaware corporation, its general partner

By:_____
Its:_____

North County Fair

EWH ESCONDIDO ASSOCIATES, L.P., a Delaware limited partnership, and NORTH COUNTY FAIR LLC, a Delaware limited liability company, tenants in common

By: Westfield Management Company, a Delaware general partnership, manager

By: Westfield Services, Inc., a Delaware corporation, its managing partner

By: _____
Its: _____

Northwest Plaza

NORTHWEST PLAZA LLC, a Delaware limited liability company

By: Northwest Plaza, Inc., a Delaware corporation, its managing member

By:_____
Its: _____

AFFIDAVIT

CERTIFICATE OF INTEREST; CERTIORARI INVOLVING DISCOVERY

In. CV 99-1592 9(CBA)
Re. 99-5067 U.S.Ct APP. FED. CIR.

TO WIT;

– I, THE UNDERSIGNED, DULY DEPOSED, AND IN A STANCE 'READY COURT', ASSERTS AS FOLLOWS, NAMELY;

AMBULIENT (ONE) MRS . DIANNE K. FRANKLIN , HOLDER OF A DOCTOR OF JURIS PRUDENCE DID IN FACT OCCUPY THE POSITION OF ASSISTANT TO THE ATTORNEY GENERAL-THE STATE OF TENNESSEE AND REQUIRED COMPLETED A SURVEY OF THE PENAL AND MENTAL INSTITUTIONS OF THAT STATE WITH MERIT.

MRS . FRANCES E. KING (APPELLANT) DID IN FACT WORK FOR THE UNITED STATES HOUSE OF REPRESENTATIVES AND THE SENATE WELL OVER TWENTY YEARS, AND IN ADDITION WORKED AT THE UNITED STATES WHITE HOUSE WITH MERIT.

MR. JAMES G. KING (APPELLANT) DID IN FACT WORK FOR THE U.S POSTAL SERVICE, THE UNITED STATES CIVIL SERVICE COMMISSION AND UNITED STATES TREASURY DEPARTMENT.HE IS HOLDER OF SURETY BONDS (expired), NO. 2459 MRV COMMUNICATIONS INC. SHARES AT CITE CUSIP #553477 10 0, (THE STATE OF DELAWARE), A NOTICE OF ENTITLEMENT PER THE HON. WESLEY GRIEVE, INSPECTOR GENERAL'S OFFICE USAF. HON. WESLEY GRIEVE WAS A FOUR STAR GENERAL USAF. RET. . HIS ENTITLEMENTS INCLUDE A WAIVER OF NOTICE PER THE SOLICITOR GENERAL'S OFFICE GS 56 6 7731, THE UNITED STATES SUPREME COURT (striking of 3 graduate hours –atomic and molecular physics) FROM HIS UNIVERSITY ACADEMIC TRANSCRIPT RECORDS. APPELLANT IN ADDITION HOLDS EXAMINATION ENTITLEMENTS FROM THE NEW YORK POLICE DEPARTMENT AS FOLLOWS, NAMELY N.Y.C. TRANSIT POLICE-89 RATING PER COMETITIVE EXAMINATION, AND N.Y.C. SPECIAL OFFICER SERVICE-95 PER COMPETITIVE EXAMINATION WITH REGULAR SERVICE FROM 1968-1973. NATIONAL TEACHER'S EXAMINATION RATING OF 1103 PER COMPETITIVE EXAMINATION AND 30 PLUS YEARS OF MERIT. (infra) TENURED SERVICE. SERVICE AT THE RANK OF INSTRUCTOR TO N.G., THE MORGAN STATE UNIVERSITY.

FINGERPRINT CHRONOLOGY

U.S. POSTAL SERVICE 1945,1950-1951 (STAT. 1811, et.al.)
U. S CIVIL SERVICE COMMISSION 1965.

U.S. TREASURY DEPARTMENT 1966
MEMPHIS STATE UNIVERSITY CRIMINAL JUSTICE INSTITUTE1974-1978
NEW YORK POLICE DEPARTMENT 1968-1973. (cf. 88th PCT.)
NYC PUBLIC SCHOOLS 1967 AND AGAIN IN 1999.
THE MORGAN STATE UNIVERSITY (FORT MEADE) SC..

ACCORDINGLY AT THIS INSTANCE IN TIME AND SPACE AFFIDAVIT REQUIRES IMMEDIATE REINSTATEMENT PER (MISC. 2272 (REV. 4-89) 98, N.Y.P.D. 641-040 (REV. 9-99) h 2. . sua sponte of ONE JAMES.G.KING . WITH ATTACHMENTS.

Addendum ; NCO Financial System - SJT095-T42-0

THANK YOU.

James G. King

SIGNATORY-MR. JAMES G. KING
105-32 131 STREET
RICHMOND HILLS, N.Y.11419

Helen Jackson

HELEN JACKSON
NOTARY PUBLIC, State of New York
No. 41-4933726
Qualified in Queens County
Commission Expires July 18, 2000

5/28/99

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